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# EMERGENCY LOCAL RULES OF COURT

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In light of the national COVID-19 pandemic and current state of emergency, and in conjunction with Executive Order N-38-20, signed by the Governor on March 27, 2020, and the March 23 and March 30, 2020 statewide Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, the Court adopted these Emergency Local Rules of Court effective April 6, 2020 and as amended on April 10, 2020 and April 29, 2020. These rules will remain in effect unless amended, rescinded or otherwise specified in this specific emergency rule.

APRIL 29, 2020  
PLACER SUPERIOR COURT

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## **RULE 10.12**

## **COURT FILES**

- A. No papers shall be removed from any Court file of actions or placed therein except by authorized Court personnel. The clerk shall not deliver any papers filed except for purposes of inspection in the office of the clerk, to the possession of any person other than an employee of the Court unless so ordered by the Court. [Effective 7/1/01]
- B. Use of Personal Digital Devices (e.g. cell phones, tablet computers): Use of personal devices to take photographs is not permitted in the clerks' offices or courtrooms, except as provided in this rule or in Local Rule 10.19. Personal devices may be used in the clerks' offices solely to make a digital copy or photograph of the official public court file after first informing the clerk of this intended purpose. [Effective 1/1/13]
- C. Release of Original Court Files by Clerk: Absent a court order, the clerk shall not release an original court file to any person not an employee of the court. The clerk may allow any person to view a non-confidential case file within the courthouse pursuant to public access rules.

Assigned and temporary public judges, when taking matters under submission or for other good cause, may obtain copies of all or designated portions of the court file at no cost.

Private judges, including private temporary judges, and counsel/parties in such privately adjudicated cases, may obtain copies of all or designated portions of the court file. Copy costs shall be borne by the requesting party or parties. [Effective 1/1/11]
- D. Pursuant to Government Code section 68150 and Title 2, Division 4 (Court Records) of the California Rules of Court, the court may create, maintain, and preserve the court record in any form or forms of communication. [Renumbered, Effective 4/5/2020]
- E. The electronic case file is the official record for:
  - 1. Traffic Infractions, Traffic Misdemeanors, and Non-Traffic Infractions:

Effective with cases initiated on or after July 1, 2011.
  - 2. All Civil, Probate, Guardianship, Conservatorship, Lanterman-Petris Short Cases, and Civil Mental Health Cases:

Effective with cases initiated on or after August 28, 2017.
  - 3. All Family Law Cases:

Effective with cases initiated on or after May 21, 2018.

(Drafters Note: The court is authorized by statute to reproduce any record from electronic means without the need for a local rule. The absence of a local rule in that regard does not invalidate the certified record. This local rule is established to help educate the public on the use of the electronic file in the specified cases and the absence of similar rules in other case types in no way restricts the court's ability to implement or use electronic records in those case types.)

[Revised and Renumbered effective 4/6/2020]

## **RULE 10.26                      DIGITAL SIGNATURES**

Digital signatures on documents filed with the Court are authorized. All digital signatures must comply with the requirements of Government Code section 16.5(a)(1)-(5). A party who files a document containing a digital signature under this rule represents that the signer's certificate or similar verification document is maintained in the party's possession or control, and may be subject to production upon request from the Court. [Adopted 4/6/2020]

## **RULE 10.27                      eDELIVERY**

The submission of documents through electronic delivery [eDelivery] is permitted in all case types, except Juvenile cases. **eDelivery may be mandatory in some situations, see section G below.** Documents filed through eDelivery will comply with all applicable statutes and California Rules of Court. The procedure for submitted documents through eDelivery is as follows:

- A. Users may submit documents through the court's approved electronic service provider, accessible through <http://www.placer.courts.ca.gov/>. The court may expand the list of approved electronic service providers and/or the method of submission via electronic delivery or electronic filing at any time by updating the information on the court's website.
- B. Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on any court day shall be deemed filed on that court day. Any document that is received electronically on a non-court day shall be deemed filed on the next court day. This rule concerns only the method and effective date of filing. Any document that is electronically filed must still satisfy all other legal filing deadlines and requirements, **including, but not limited to, case specific orders of the court.**
- C. By filing a document electronically, the party or user agrees to accept electronic service [eService], from the court, at the electronic service address provided. This agreement applies to all future correspondence or notices from the court to the

party who is affirming consent to electronic service, as allowed by law, **for the particular case in which eDelivery was used.**

- D. There may be a fee charged by the electronic filing service provider or electronic filing manager. These fees are waived for government entities and any litigant who has received a fee waiver. Please contact these specific providers directly for further information.
- E. Documents submitted through eDelivery must be submitted in PDF (Portable Document Format) and text-searchable format, and viewable on any standard PDF Viewer.
  - 1. All documents that equal or exceed 15 pages and/or contain multiple exhibits/sections must be bookmarked. Bookmark titles should match the corresponding section/exhibit.
  - 2. Regardless of the time of electronic submission, a printed courtesy copy (along with proof of electronic submission) is required for submissions where the total pages submitted – including notice, points and authorities, declarations, judicial notice requests, separate statements, exhibits, appendices, tables of contents, etc. – exceed 50 pages. The printed courtesy should be provided the same day the electronic copy is submitted.
- F. The following documents will not be accepted by eDelivery:
  - 1. Peremptory Challenges or Challenges for Cause of a Judicial Officer pursuant to Code of Civil Procedure sections 170.6 or 170.3;
  - 2. Bonds/Undertaking documents;
  - 3. Any ex parte application that is filed concurrently with a new complaint;
  - 4. Any order with an original judicial officer's signature;
  - 5. Out-of-State Commission;
  - 6. Abstract of Judgment;
  - 7. Documents submitted conditionally under seal;
  - 8. Certificate of Facts Re Unsatisfied Judgment;
  - 9. Family Law Request for Entry of Default and the Notice of Entry of Judgment;
  - 10. Letters **testamentary**, of administration, **of conservatorship, and of guardianship, including temporary and special letters**;
  - 11. Request for Administrative Records;
  - 12. Affidavit Re Real Property of Small Value (Probate) ~~and~~,

13. **Original will and codicil,**
14. **Financial documents lodged under Local Rule 80.1.8, and**
15. Any paper document ordered by the court to be filed in the clerk's office.

**G. Use of eDelivery is mandatory effective March 11, 2020. This mandate does not apply to self-represented litigants or government entities. This Section may be waived on a case-by-cases basis upon a judicial finding of good cause.**

**[Adopted 4/6/2020, Revised 4/29/2020]**

**RULE 10.28                      REMOTE APPEARANCES – COVID-19 STATE OF EMERGENCY  
TEMPORARY RULE**

**A.        Definition and Authorization**

This TEMPORARY RULE is effective April 13, 2020 and shall remain in effect for the duration of the COVID-19 State of Emergency declared by the California Governor and up to 90 days after it has been lifted.

While this rule remains in effect, the following rules are suspended: Rule 10.24, Rule 20.8, Rule 30.13 Section (E), Rule 30.14 Sections (B)&(D), Rule 30.16 Sections (A)&(B), Rule 30.17, and Rule 80.1.2. The suspended rules shall be immediately effective upon the cancellation of this rule.

“Remote appearances” refer to appearances for a court hearing made by telephone or by video by a party to a case. Remote appearances are authorized for specific hearings and case types as specified on the remote appearance page of the court's public website (<http://www.placer.courts.ca.gov/RAS.shtml>).

**B.        Temporary Policy for Remote Appearances – Civil and Family Law**

Telephonic appearance is mandatory for any non-evidentiary, law and motion or request for order type **in a Civil or Family Law court event, except for those relating to custody of a minor, emergency orders, except for those relating to emergency matters,** restraining/protective orders, Temporary Guardianship/Conservatorship, Adoption, **Civil Default Prove-Ups, Family Law Default Judgments,** or Firearms Petitions. **As to those that are mandatory, parties** may request a personal appearance for good cause (see Optional Forms PL-CV014 & PL-FL029).

**Remote appearances may be allowed in emergency matters, for custody of a minor, emergency orders, restraining/protective orders, Temporary Guardianship/Conservatorship, Adoption, or Firearms Petitions. The court's website contains further information on whether these hearings are allowed by remote means with or without prior court approval. At the time of any hearing, the parties may also request approval from the judicial officer for a subsequent hearing to be held remotely.**

Video appearance is mandatory for Civil Habeas Corpus (Cirby Hills) **and Civil Default Prove Up, and Family Law Default Judgments hearings**. Parties may request a personal appearance for good cause (see Optional Forms PL-CV014).

C. Scheduling Remote Appearances

Remote appearances must be scheduled through the court's remote appearance scheduling system accessed through the remote appearance page of the court's public website (<http://www.placer.courts.ca.gov/RAS.shtml>) unless otherwise noted on the website or in these rules.

D. Remote Appearance Fees

1. Fees for each telephonic appearance in civil cases are charged pursuant to California Rules of Court, Rule 3.670.
2. Fees for each video appearance in civil cases are charged the same as fees for telephone appearances.
3. Litigants in civil cases with a fee waiver and litigants in non-civil cases shall not be charged fees for remote appearances.
4. All remote appearance fees must be paid through the court's remote appearance scheduling system.
5. Notwithstanding, D.1 through D.4, pursuant to Standing Order 20-008, all remote appearance fees are waived for as long as temporary Rule 10.28 remains in effect.

E. Telephonic Appearance Requirements

Telephonic appearances require sufficient connectivity and an indoor location with limited background noise and distraction. It is the sole responsibility of the party appearing by telephone to ensure the above criteria are met. The court may continue the hearing and require an in-person appearance if clear communication is not possible by phone **or if there is a distraction or disturbance that interferes with the hearing.**

F. Video Appearance Requirements

Video appearances require sufficient internet speed and connectivity to stream video, a device capable of capturing and displaying a clear audio and visual stream, and an indoor location with limited background noise and distraction. It is the sole responsibility of the party appearing by video to ensure the above criteria are met. The court may continue the hearing and require an in-person appearance if clear communication is not possible by video **or if there is a distraction or disturbance that interferes with the hearing.**

G. Nothing in these rules limits the court's ability to order personal appearance.

- H. The court retains full discretion to conclude the video call on its own motion and reschedule the hearing for another date and time due to delay or other concern due to disruption, noise, misconduct, a communication problem, a technical problem, other issue, or in the interest of justice.

I. Temporary Policy for **Remote Telephonic** Appearance in IV-D Child Support Hearings and Conferences

California Rules of Court, Rule 5.324(e)(1) permits the court, on its own motion, to allow telephone appearances in Title IV-D child support hearings and conferences. As such, the Placer Superior Court authorizes the following:

1. All parties to Title IV-D child support hearings ~~may~~ **are required to** appear **remotely** ~~by telephone~~ unless otherwise ordered by the Court.
2. Parties may request a personal appearance for good cause (see Optional Form PL-FL029). ~~Parties are not required to submit a request to appear by telephone but shall provide notice to opposing parties no later than two (2) days prior to the hearing.~~
3. ~~Any opposition to a telephone appearance must be filed with the court clerk and served prior to the start of the hearing.~~
4. ~~In the event a party objects to the appearance by telephone, the Court will address that objection at the time of the hearing, which may lead to a continuance of the matter.~~

J. Temporary Policy for Remote Appearances – Criminal Proceedings

The court will allow parties to appear remotely in criminal proceedings, as allowed by California Rules of Court, Emergency Rule 3. For criminal proceedings, the court must receive the consent of the defendant to conduct the proceeding remotely and comply with California Rules of Court, Emergency Rule 5. To request to appear remotely:

1. Criminal out-of-custody defendants may appear remotely for pretrial proceedings. Defendants must submit form PL-CR012 through the court's website no later than noon the court day prior to the hearing to notify the court of their waiver of personal appearance and to request a remote appearance.
2. Attorneys may appear remotely for pretrial proceedings with their client or on behalf of their client pursuant to Penal Code section 977 and California Rules of Court, Emergency Rule 5. Attorneys must submit PL-CR012 through the court's website no later than noon the court day prior to the hearing to request a remote appearance. The attorney may note the defendant's waiver of personal appearance on PL-CR012 or on the record at the time of the hearing. The Public Defender's Office and Conflict Counsel Office may establish a separate procedure for submission of the PL-CR012 with the court.

3. Attorneys are required to establish a mechanism to confidentially communicate with their client when their client is appearing remotely, as required by California Rules of Court, Emergency Rule 5.
4. The District Attorney's Office and Probation Department may appear remotely for pretrial proceedings. The District Attorney's Office and Probation Department shall establish a procedure with the court for providing notice of a remote appearance.

Notwithstanding (1) through (4) above, the Court may order, on the record, a subsequent hearing to be heard remotely, with consent from the defendant or defendant's counsel noted on the record.

**[Adopted 4/6/2020, Amended 4/10/2020, Amended 4/29/2020]**